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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In re: Stephen J.R. Goetz and Diana
Goetz,

Debtors.

John Challas,

Plaintiff,

v.

Steven Goetz, and DOES 1 through 20,
Inclusive,

Defendants.

Chapter 11

Case No. C-07-06364 RMW

[Bankruptcy Case No. 05-57623 MM;
Adversary Proceeding No. 06-5197;
BAP No. NC-07-1418.]

**APPELLEE/PLAINTIFF JOHN CHALLAS' NOTICE
OF MOTION AND MOTION TO DISMISS THE
APPEAL BY APPELLANT/DEFENDANT STEPHEN
GOETZ**

Date: June 20, 2008
Time: 9:00 a.m.
Judge: Hon. Ronald M. Whyte
Courtroom: 6, 4th Fl.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on June 20, 2008, at 9:00 a.m., in Courtroom 6, Fourth
Floor of the above-entitled Court, Appellee/Plaintiff JOHN CHALLAS ("Mr. Challas") will move the

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APPELLEE/PLAINTIFF JOHN CHALLAS' NOTICE OF MOTION AND MOTION TO DISMISS THE APPEAL BY
APPELLANT/DEFENDANT STEPHEN GOETZ

1 court for order dismissing the appeal brought by Appellant/Defendant STEPHEN GOETZ ("Goetz")
2 herein. The motion is based on the grounds that Goetz has failed to perfect his appeal, which has now
3 been pending for over six months. Furthermore, Goetz has repeatedly failed to attend mandatory case
4 management and/or status conferences in this matter. These circumstances prejudice Mr. Challas, who
5 has been unable to prosecute his slander action against Goetz, which the Bankruptcy Court determined
6 was not discharged via Goetz's bankruptcy.

7 This motion is based on this notice of motion and motion, the supporting memorandum of
8 points and authorities, the supporting declaration of Daniel D. McGee and exhibits thereto, and on such
9 other oral and documentary evidence as may be presented at the hearing of this matter.

10
11 Dated: May 13th, 2008

ELLIS, COLEMAN, POIRIER, LAVOIE, &
STEINHEIMER LLP

12
13
14 By



Daniel D. McGee

Co-Counsel for JOHN CHALLAS

CERTIFICATE OF SERVICE

I, Nichole M. Pruitt, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On May 13, 2008, I served the following document(s) on the parties in the within action:

APPELLEE/PLAINTIFF JOHN CHALLAS' NOTICE OF MOTION AND MOTION TO DISMISS

<input checked="" type="checkbox"/>	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:
<input checked="" type="checkbox"/>	VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:

Stephen Goetz
13725 Robleda Road
Los Altos, CA 94022
(Via Overnight Service)


Debtor In Pro Per

George P. Eshoo, Esq.
Law Offices of George P. Eshoo et al.
702 Marshall Street, Suite 500
Redwood City, CA 94063
(Via Electronic Service)

Co-Counsel for John Challas

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on May 13, 2008.

By



Nichole M. Pruitt